IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

OP.No. 9467 of 2001(B)

PETITIONER:

FELIX M.MORRIS,
ASSISTANT PUBLIC PROSECUTOR GRADE -I,
KOLLAM.

BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
SRI.V.DILEEP

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY ITS CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.

2. DEPARTMENTAL PROMOTION COMMITTEE FOR PREPARING THE SELECT LIST FOR APPOINTMENT TO THE CATEGORIES OF ASSISTANT PUBLIC PROSECUTOR GRADE-I AND DEPUTY DIRECTOR OF PROSECUTION AND SENIOR ASSISTANT PUBLIC PROSECUTOR, REPRESENTED BY ITS CONVENOR, JOINT SECRETARY (HOME), DEALING WITH PAPERS OF ASSISTANT PUBLIC PROSECUTORS/ DEPUTY DIRECTOR OF PROSECUTION AND SENIOR ASSISTANT PUBLIC PROSECUTORS, SECRETARIAT, THIRUVANANTHAPURAM.

3. SECRETARY TO GOVERNMENT, HOME DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

4. DIRECTOR GENERAL OF PROSECUTION, DIRECTORATE OF PROSECUTION, KERALA, 2ND FLOOR, C.JACOB & SONS BUILDING, ALAPPAT ROAD, RAVIPURAM, ERNAKULAM, KOCHI-682 016

5. KALLADA SUKUMARAN, DIRECTOR GENERAL OF PROSECUTION,
DIRECTORATE OF PROSECUTION,
KERALA, 2ND FLOOR, C.JACOB & SONS BUILDING,
ALAPPAT ROAD, RAVIPURAM, ERNAKULAM,
KOCHI-682 016.

BY GOVERNMENT PLEADER, SMT.SMITHA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 08/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP.No. 9467 of 2001(B)

APPENDIX

ORDER ON C.M.P.NO.15167/2001 in OP.No. 9467 of 2001(B)

CLOSED.

SD/-THOTTATHIL B.RADHAKRISHNAN, JUDGE

08/06/2007

EXT.P1 TRUE COPY OF G.O.(P) NO.38/2000/HOME DATED 24/02/2000

EXT.P1(a) TRUE COPY OF THE RELEVANT EXTRACT OF THE APPENDED SENIORITY LIST OF ASSISTANT PUBLIC PROSECUTORS OF THE KERALA STATE AS ON 01/12/1992.

EXT.P2 TRUE COPY OF G.O.MS.NO.86/98/HOME DATED 17/04/1998

EXT.P3 TRUE COPY OF THE G.O.RT.NO.870/2001/HOME DATED 7/3/2001

EXT.P4 TRUE COPY OF THE CIRCULAR NO.296/2000/DGP DATED 26/02/2000 OF THE DIRECTOR GENERAL OF PROSECUTION.

EXT.P5 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE HON'BLE CHIEF MINISTER DATED 1/5/2000

EXT.P6 TRUE COPY OF THE CIRCULAR NO.296/2000/DGP DATED 22/9/2000 OF THE DIRECTOR GENERAL OF PROSECUTION.

EXT.P7 TRUE COPY OF THE SHOW CAUSE NOTICE NO.372/2001/DGP, DATED 9/2/2001 OF THE 5TH RESPONDENT.

EXT.P8 TRUE COPY OF THE REPLY SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT DATED 22/2/2001.

EXT.P9 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE HON'BLE CHIEF MINISTER DATED 9/3/2001.

\\TRUE COPY//

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No. 9467 of 2001(B)

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Dated this the 8th day of June, 2007

J U D G M E N T

In this original petition filed on 19/03/2001, the petitioner claimed relief against his proposed supersession. This Court issued an interim order, on 20/03/2001, on C.M.P. No.15167/2001, that no promotion to the existing or ensuing vacancy shall be effected until further orders.

2. The learned Government Pleader submits on instructions that the seniority of the petitioner has been duly fixed and he was granted promotion as Deputy Director of Prosecution and posted to the Court of Chief Judicial Magistrate, Thiruvananthapuram, by order dated 07/12/2001, with effect from 24/03/2001.

This original petition is, therefore, infructuous. Hence, closed.

THOTTATHIL B.RADHAKRISHNAN
Judge

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THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No. 9467 of 2001(B)

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J U D G M E N T

8th June, 2007